



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/797,801

03/09/2004

Jeffrey D. Mullen

JDM/004

4497

32733

7590

11/06/2009

JEFFREY D. MULLEN

731 SOUTH NEGLEY

APT. 2

PITTSBURGH, PA 15232

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

11/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita (US PAT: 6,263,218) in view of Zhang et al. (US2004/0058647 A1, filed 9-24-2002, hereinafter Zhang).

Regarding claim 1, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attaches to the cellular telephone (21, fig. 1) that provides communication signals indicative of an incoming call, wherein the sensing device (24, figs. 1, 12A/12B) is an autonomous device (col. 4 lines 16-24), and a remote communication device (26/27, figs. 1, 10) configured to receive the communication signals, wherein the communication device is configured to provide notification signals to a user dependent upon received communication signals (col. 3, line 66 – col. 4, line 65).

Kita differs from claim 1 in that he does not specifically teach: sensing device that senses a signal, operable to directly perceived by a user from the cellular phone.

However, Zhang discloses apparatus and method for providing hands free operation of a device which teaches the following: sensing device that senses a signal,

operable to directly perceived by a user (reads on telephone ringing signal) from the cellular phone (fig. 2, paragraph: 0038).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device that senses a signal, operable to directly perceived by a user from the cellular phone as this arrangement would alert the user for incoming call both locally and remotely as taught by Zhang, thereby user does not miss the incoming call.

Regarding claims 2-5, 8-9, Kita further teaches the following: remote communication device (27, figs. 1, 10) includes an amplifier (122, fig. 10) and a speaker (133, fig. 10), wherein the notification signals are audible notifications, remote communication device includes a vibrating device (131, fig. 10) and a source of electrical energy (see Vcc on fig. 10), wherein notification signal are vibrational notifications (col. 10 lines 12-60), remote communication device includes a light emitting device (225, fig. 24) and a source of electrical energy (not shown), wherein notification signals are light-emitted notifications (col. 20, line 65 – col. 21, line 8), remote communication device includes a display device (142, fig. 10) and source of electrical energy, wherein the notification signals are text notifications (col. 27 lines 26-34), sensing device (24, figs. 1, 12A/12B) is an autonomous device, sensing device (24, fig. 1) and remote communication device (26/27, fig. 1) wirelessly communicate as shown in fig. 1, wireless communication is a one way communication from the sensing device (24, fig. 1) to the remote communication device (26/27, fig. 1).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang as applied to claim 1 above, and further in view of Higuchi et al. (US PAT: 6,697,647, filed 2-22-2001, hereinafter Higuchi).

The combination differs from claim 10 in that it does not specifically teach: wireless communication is a two-way communication between the sensing device and the remote communication device.

However, Higuchi discloses cellular mobile telephone apparatus and alarm device therefor which teaches: wireless communication is a two-way communication between the sensing device and the remote communication device (fig. 7, col. 10 lines 16-41).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: wireless communication is a two-way communication between the sensing device and the remote communication device as this arrangement would facilitate the user to send a message to the caller that he cannot presently take the call because of his circumstances as taught by Higuchi.

4. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang as applied to claim 1 above, and further in view of Togawa (JP2001086202A).

The combination differs from claims 11-13 in that it does not specifically teach: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the

sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device.

However, Togawa discloses ear microphone assembly which teaches: sensing device (6, fig. 1) and the remote communication device (3, fig. 1) communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device (see abstract; paragraphs: 0013-0015 and Drawing 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device and the remote communication device communicate through a wire-based extension, wire-based communication is a: one-way communication from the sensing device to the remote communication device, a two-way communication between the sensing device and the remote communication device as this arrangement would provide wire-based communication between the portable telephone and remote communication device as taught by Togawa, thus providing another way of interfacing the devices.

5. Claims 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang as applied to claim 1 above, and further in view of Perry et al. (US PAT: 6,160,489, hereinafter Perry) and Toyoshima (JP2001-352378).

The combination differs from 15 in that although it discloses autonomous sensing device (24, fig. 1, col. 4 lines 15-24 of '218), it does not specifically teach vibrational sensor for alerting.

However, Perry discloses wireless communication device adapted to plurality of distinctive tactile alert patterns which teaches the following: vibrational sensor for alerting (abstract).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: vibrational sensor for alerting as this arrangement would provide another well known method for alerting user for incoming calls as taught by Perry.

The combination differs from claims 16-18 in that sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile.

However, Perry teaches sensing device includes a vibrational sensor, and notification signals are: light based, audible, tactile (col. 4, line 62-col. 5, line 21), but the combination of Kita and Perry does not teach: converting one form of alert into another form for sending into notification device.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device includes a vibrational sensor, communication signals are provided based on the vibrational sensor sensing vibrations of the cellular phone: notification signal are light based, notification signals are audible, and notification signals are tactile in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

The combination differs from claims 19-21 in that he does not specifically teach: sensing device includes a vibrational sensor, the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations.

However, Perry teaches the following: sensing device includes a vibrational sensor, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations (col. 5, line 61 – col. 6, line 32). But neither Kita nor Perry teach the following: the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone.

However, Toyoshima teaches the following: converting one form of alert (for example light-based) into another form of alert (vibration) for sending into notification device (Drawings 1-5; paragraphs: 0007 -0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device includes a vibrational sensor, the communication signals are provided based on vibration sensor sensing vibrations of the cellular phone, and the vibrational sensor is operable to determine different types of vibrations of the cellular telephone, the vibrational sensor is operable to provide a different communication signals for each of the different types of types of vibrations in order to meet needs of the user circumstances as taught by the combination of Perry and Toyoshima.

The combination differs from claims 22-23, in that he does not specifically teach: sensing device includes a light sensor; sensing device includes a light sensor and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone.

However, Toyoshima teaches the following: sensing device includes a light sensor; sensing device includes a light sensor (T1, Drawing 1) and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone (paragraphs: 0007-0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: sensing device includes a light sensor; sensing device includes a light sensor and the communication signals are provided based on the light sensor sensing the light emitted from the cellular phone in order to meet needs of the user circumstances as taught by Toyoshima.

Art Unit: 2614

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Zhang as applied to claim 1 above, and further in view of Toyoshima and Oota (US 2003/0176205A1, filed 3-18-2002).

The combination differs from claim 24 in that it does not specifically teach: autonomous sensing device includes a light sensor, the communication signals are provided based on the light sensor sensing the light from the cellular phone, and the light sensor is operable to determine different types of lights emitted from the cellular phone.

However, Toyoshima teaches light sensor operable to determine types of light emitted from the cellular telephone (Drawing 3, paragraph: 0008-0011 of Toyoshima); Oota discloses Mobile communication terminal which teaches the following: different types of light emissions from the cellular telephone (paragraph: 0040).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: autonomous sensing device includes a light sensor, the communication signals are provided based on the light sensor sensing the light from the cellular phone as this arrangement would provide light based sensing of call signals; different types of light emissions from the cellular telephone as this arrangement would facilitate to identify different kinds of alerts as taught by Oota.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa et al. (US 2002/0115478 A1, 371 (c) date 2-13-2002, hereinafter Fujisawa).

Regarding claim 14, Kita discloses a system for use with a cellular phone that provides notification of an incoming call, the system comprising: a sensing device (24, figs. 1, 8) that is operable to be attached to the cellular phone (21, figs. 1, 3) that provides communication signals indicative of an incoming call, and a remote communication device (26/27, fig. 1) configured to receive the communication signals (col. 3, line 64 – col. 4, line 64), wherein the communication device is configured to provide notification signals that are light based and the notification signals are dependent upon the received communication signals (col. 20, line 65 – col. 21, line 8).

Kita differs from claim 14 in that he does not specifically teach: notification signals that are only light based

However, Fujisawa discloses mobile telephone and radio communication device cooperatively processing incoming call which teaches: notification signals that are only light based (paragraph: 0534).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kita's system to provide for the following: notification signals that are only light based in order to satisfy user circumstances and requirements as taught by Fujisawa.

8. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa as applied to claim 14 above, and further in view of Toyoshima (JP2001-352378).

The combination differs from claims 25 and 27 in that sensing device is an autonomous sensing device, sensing device and the communication device communicate wirelessly.

However, Toyoshima teaches the following: sensing device is an autonomous sensing device, sensing device and the communication device (Drawings: 2, 4) communicate wirelessly (paragraphs: 0007-0016).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device and the communication device communicate wirelessly in order to meet needs of the user circumstances as taught by Toyoshima.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa as applied to claim 14 above, and further in view of Togawa (JP2001-086202).

The combination differs from claim 26 in that it does not teach the following: sensing device and remote communication device communicate through a wire-based extension.

However, Togawa teaches the following: sensing device and remote communication device communicate through a wire-based extension (abstract, Drawing 1, paragraphs: 0013-0014).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device and remote communication device communicate through a wire-based extension

Art Unit: 2614

as this arrangement would provide wire based notification of events in the portable telephone as taught by Togawa.

10. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Fujisawa as applied to claim 14 above, and further in view of Higuchi et al. (US PAT: 6,697,647)

Kita differs from claims 28-30 in that it does not specifically teach: sensing device includes a battery; remote communication device includes a battery, remote communication includes a first battery and the sensing device includes a second battery.

However, Toyoshima discloses the following: sensing device includes a battery source (V Drawing 3) and Higuchi teaches the following: remote communication device includes a battery (28, fig. 7) and the combination of Higuchi and Toyoshima teaches: remote communication device includes a first battery and the sensing device includes a second battery.

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify the combination to provide for the following: sensing device includes a battery; remote communication device includes a battery, remote communication includes a first battery and the sensing device includes a second battery in order to provide required energy to operate the devices as is well known in the art.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2614

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 31-34 are rejected under 35 U.S.C 102(e) as being anticipated by

Fujisawa.

Regarding claim 31, Fujisawa discloses a system comprising: a remote communication device (12, fig. 1) configured to determine notification of an incoming call of a cellular phone (11, fig. 1), wherein the remote communication device is configured to provide notification signals (0362-364), dependent on the notification of the incoming call, that are only light based (paragraph: 0534) and the remote communication device is configured to provide signals to the cellular phone (paragraph: 0364).

Regarding claims 32-34, Fujisawa further teaches the following: the remote communication device (12, fig. 1) determines the notification of the incoming call wirelessly, the notification signals that are only light based are provided by LED (paragraph: 0534), remote communication device (12, fig. 1) includes a battery (fig. 33).

13. Claims 35-36, 39-40 are rejected under 35 U.S.C 102(b) as being anticipated by Tamami (JP10-155012).

Regarding claim 35, Tamami discloses a method comprising: physically sensing (this functionality is provided by controller 1, Drawing and reads on portable telephone set main body vibrating upon incoming call, see abstract) that a portable electronic device is vibrating, communicating a first communication signal indicative of the sensed vibrating, receiving the first communication signal, and providing a notification to a user indicative of the first communication signal (abstract; Drawings 1-2; paragraphs: 0010-0013; 0016).

Regarding claims 36, 39-40, Tamami further teaches the following: device comprises a cellular phone (Drawing 1), the notification is vibration-based, the signal is vibrational signal (abstract; Drawings 1-2; paragraphs: 0010-0013; 0016).

14. Claims 37-38, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamami in view of Fujisawa.

Tamami differs from claims 37-38, 41 in that he does not specifically teach: notification is: light-based, sound base, signal is light-based signal.

However, Fujisawa teaches the following: notification is: light-based, sound base, signal is light-based signal (paragraph: 0071-0072)

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Tamami's system to provide for the following: notification is: light-based, sound base, signal is light-based signal as this arrangement would facilitate notification of incoming communication by using sound and light etc as taught by Fujisawa so that user needs are met.

Response to Arguments

15. Applicant's arguments filed on 7-28-09 have been fully considered but they are not persuasive.

Rejection of claims 1-5 and 8-9 under 35 U.S.C 103 (a) as being anticipated by Kita (US PAT: 6,263,218) in view of Zhang et al. (US2004/0058647 A1, filed 9-24-2002, hereinafter Zhang): Regarding rejection of claim 1 using the above combination, Applicant alleges that "Kota's device merely receives a electrical signal ... The Kita device does not show or support – in any way, shape, or form - an autonomous sensing device that receives a signal that is able to be directly perceived by a user. Zhang does not correct for this deficiency. Zhang merely discloses a hands-free adapter that directly communicates through a phone via a feature connector. When an incoming call is detected through this feature connector, the hands free adapter is able to receive ... The signals through the feature connector are not able to be perceived by a user". Regarding this, notwithstanding applicant's interpretation of Zhang reference, Zhang teaches: Therefore, if the device is mobile phone and the ringer is activated, then the telephone rings whenever an incoming call is received. In addition the hands free adapter sends an incoming call alert to the user via headset (lines 2-6 of paragraph: 0038). This means incoming call notification results in ringing of the mobile telephone which is perceived by a user of the mobile phone and the sensing device (i.e adapter 100, fig. 2) also senses this and sends notification to the headset. In either situation this is perceivable by the user of the system. This clearly reads on claim 1 limitation. Therefore rejection of the claims is maintained.

Rejection claim 14 under 35 U.S.C 103(a) as being obvious Kita in view Fujisawa et al. (US 2002/0115478 A1, 371 (c) date 2-13-2002, hereinafter Fujisawa): Regarding rejection of claim 14 using the above combination, Applicant argues that "Applicant's invention of claim 14 clearly mentions that the notifications are "only light based." Accordingly, applicant's invention does preclude other forms of notification. Kita does not show or suggest this feature. Fujisawa does not correct for this deficiency of Kita. The examiner stated that Fujisawa discusses such a feature in paragraph 534. paragraph 534 clearly references fig. 33 where numerous devices utilized (e.g., light emitting unit 152, electronic sound unit 153, and vibrator154). Accordingly, neither Fujisawa , nor Kita used either alone or in combination, show or suggest applicant's invention of claim 14 ... only light-based". Regarding this, notwithstanding the applicant's interpretation of Fujisawa reference, Fujisawa teaches the following: However, it is possible to use the same notification device and change notification method for each portable device. For example, when conducting notification operation by ... Also, different blinking patterns may be used for light emitting unit 152, and different vibration patterns may be used for vibrator (paragraph: 0534). The fact that reference teaches using the same notification device and change notification method clearly reads on: notification method can be only be light based, or sound bases etc. That means either one of the notification methods is suggested. Fujisawa clearly teaches applicant's claim limitation such as notification signals that are light based.

Rejection of claim 31 under 35 U.S.C 102 (e) as being anticipated by Fujisawa.

Regarding rejection of claim 31, Applicant argues that "Applicant has amended claim 31 includes a remote communication device is configured to provide notifications signals that are only light based. The Examiner stated that Fujisawa discusses such a feature in paragraph 534. paragraph 534 clearly references fig. 33 where numerous devices utilized (e.g., light emitting unit 152, electronic sound unit 153, and vibrator154). Accordingly, neither Fujisawa , nor Kita used either alone or in combination, show or suggest applicant's invention of claim 14 ... only light-based". Regarding this, notwithstanding the applicant's interpretation of Fujisawa reference, Fujisawa teaches the following: However, it is possible to use the same notification device and change notification method for each portable device. For example, when conducting notification operation by ... Also, different blinking patterns may be used for light emitting unit 152, and different vibration patterns may be used for vibrator (paragraph: 0534). The fact that reference teaches using the same notification device and change notification method clearly reads on: notification method can be only be light based, or sound bases etc. That means either one of the notification methods is suggested. Fujisawa clearly applicant's claim limitation such as notification signals that are light based.

Rejection of claim 35 under 35 U.S.C 102(b) as being anticipated by Tamami (JP10-155012): regarding rejection of claim 35 using the above reference, Applicant alleges that "Applicant's amended claim 35 includes physically sensing that a portable electronic device is vibrating. Tamami does not sense physical vibrations. Instead, Tamami allegedly receives an incoming call. Determining incoming call is not physically sensing a device vibrate". Regarding this, notwithstanding interpretation of Tamami

Art Unit: 2614

reference, Tamami clearly teaches the following: In case that the vibration mode is set, a vibrator drive section drives the main body side vibrator 5 to vibrate a portable telephone set main body so as to inform the arrival of the incoming call to the user (see Solution in the abstract). This clearly teaches applicants claim limitation such as physically sensing that a portable electronic device is vibrating.

Applicants arguments regarding dependent claims are tied to independent claims being patentable which are not as explained above.

In light of this, rejection of all claims is maintained.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

--(US2003/0040286) to Walter teaches: A signaling carrying device for carrying a cellular telephone comprised of volume with one or more compartments capable of holding a cellular telephone and the carrying device having a receiver therein that receives a signal when a telephone call is received by the cellular telephone and causes at least one lighting device located on the carrying device to illuminate upon receiving an incoming call.

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 2614

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melur Ramakrishnaiah/
Primary Examiner, Art Unit 2614